IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 23323 of 2006(B)

OS.214/1997 of SUB COURT,TRIVANDRUM
.....

PETITIONER:

S.V. BABY, SRAMBIKUDI HOUSE (IRINGOLE)
PERUMBAVOOR, ERNAKULAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENT:

KERALA STATE ELECTRICITY BOARD
REPRESENTED BY THE SECRETARY,
VAIDHYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.) for R1
SRI.K.S.ANIL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.23323/2006 B

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE APPLICATION FILED BY THE RESPONDENT IN O.S.214/97 OF THE SUB COURT, THIRUVANANTHAPURAM ON 26/07/2006.

EXT.P2: COPY OF THE 'B' DIARY PERTAINING TO THE SUIT O.S.214/97 OF THE SUB COURT, TVM.

EXT.P3: COPY OF THE ORDER IN I.A.3307/2006 IN O.S.214/97 OF THE SUB COURT, TVM DTD. 8/08/2006.

1ST RESPONDENT'S EXHIBITS:

EXT.R1(A): COPY OF THE PLAINT IN O.S.NO.214/1997.

EXT.R1(B): COPY OF THE WRITTEN STATEMENT FILED BY THE RESPONDENT BOARD IN O.S.NO.214/1997.

/TRUE COPY/

P.A.TO JUDGE

KSS

PIUS C. KURIAKOSE,J.

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W.P.(C) No.23323 of 2006

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Dated: 1st August, 2007

JUDGMENT

The persuasive submissions of Mr.M.Balagovindan, learned counsel for the petitioner notwithstanding, I am not inclined to agree that the impugned order is vitiated to the extent of warranting interference by this court under Article 227 of the Constitution which is visitorial in nature. However, I feel that the learned Subordinate Judge was not justified in allowing the application without any conditions. Therefore even as I confirm the impugned order, Ext.P3 will stand modified to the extent of directing that the respondent shall pay a sum of Rs.1000/- by way of cost to the writ petitioner either directly or through his counsel in this court within three weeks from today, failing which Ext.P3 will stand set aside and the I.A. filed by the respondent will stand dismissed.

The Writ Petition is disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**